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APPLICATION NO.	FII	ING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,592	66,592 09/19/2003		Steven W. Wentworth		117798-0295	8530
39943	39943 7590 07/11/2005			.	EXAMINER	
PHILIP G. MEYERS LAW OFFICE 1009 LONG PRAIRIE ROAD, SUITE 300					MARCELO, EMMANUEL MONSAYAC	
FLOWER MOUND, TX 75022			•	. [ART UNIT	PAPER NUMBER .
	·			`	3654	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)					
		10/666,592	WENTWORTH ET AL.					
	Office Action Summary	Examiner	Art Unit					
		Emmanuel M Marcelo	3654					
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1)	Responsive to communication(s) filed on	:						
2a) <u></u> ☐	This action is FINAL. 2b)⊠ This action is non-final.							
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is							
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims								
4)⊠	4)⊠ Claim(s) <u>1-16</u> is/are pending in the application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)🖂	5) Claim(s) 11-16 is/are allowed.							
	Claim(s) <u>1,2,6,7,9 and 10</u> is/are rejected.							
	Claim(s) <u>3-5 and 8</u> is/are objected to.	Manager de la companya del companya del companya de la companya de						
ا_ا(٥	Claim(s) are subject to restriction and	l/or election requirement.						
Application Papers								
9)	The specification is objected to by the Exami	ner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.								
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority under 35 U.S.C. § 119								
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).								
a) All b) Some * c) None of:								
1. Certified copies of the priority documents have been received.								
 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage 								
application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.								
Attachmen	*/a\							
	e of References Cited (PTO-892)	4) Interview Summary	(PTO-413)					
2) Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	te					
	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/0 r No(s)/Mail Date <u>9/19/03</u> .	(8) 5) ☐ Notice of Informal P. 6) ☐ Other:	atent Application (PTO-152)					
S. Patent and Tradomark Office								

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DETAILED ACTION

Claim Objections

Claim 13 is objected to because of the following informalities: it appears that the "a" before "legs" in line 3 should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 9, 10 are rejected under 35 U.S.C. 102(b) as being anticiptated by U.S. Patent no. 5,328,297 to Handford.

Handford discloses a portable winch, comprising: a mounting frame 28 positionable at a top opening of a hole 22; a telescoping mast 14 including a plurality of hollow, nested, top and bottom mast sections (14.1, 14.2, etc); a mounting assembly by which the top mast section is secured to the mounting frame; a powered winch 30 unit mounted on the frame, including a drive unit and a cable 36, positioned so that the cable can be fed into the telescoping mast; and mechanical means 28.1 connected to the frame 28 for raising and lowering the mast 14 into and out of the hole 22 by collapsing the telescoping mast while it is secured to the mounting frame.

Allowable Subject Matter

Claims 11-16 are allowed over the prior art of record.

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Claims 3-5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel M Marcelo whose telephone number is 571-272-6949. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel M Marcelo Primary Examiner Art Unit 3654

emm June 22, 2005